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5263-47 **Calendar No. 806**

101ST CONGRESS *2d Session*	SENATE	REPORT 101-452

FIREFIGHTERS' SAFETY STUDY ACT

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

OF THE

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ON

H.R. 4522

AUGUST 30, 1990.—Ordered to be printed

Filed under authority of the order of the Senate of August 2 (legislative day, July 10), 1990

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Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany H.R. 4522]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (H.R. 4522) to improve the information available to emergency response personnel in the field, and for other purposes, having considered the same, reports favorably thereon and recommends that the bill do pass.

PURPOSE OF BILL

The purpose of the bill is to improve the emergency response information available to firefighters and emergency response personnel in the field.

BACKGROUND AND NEEDS

H.R. 4522 was introduced to address situations such as the fire and explosion in Kansas City, MO, in November 1988. Six firefighters were killed when 45,000 pounds of ammonium nitrate in a burning trailer exploded. The firefighters were unable to discern the type, location, or quantity of hazardous materials involved.

The United States Fire Administration (USFA) investigated the tragedy and issued a report entitled "Six Firefighter Fatalities", which was conducted as part of the agency's Major Fires Investigation Project (Report 024). The USFA found in its report that materials and information distributed to emergency response personnel by some federal agencies pertaining to the handling and nature of hazardous materials are either inaccurate, incomplete, or ambigu-

ous. The working group established by the bill is among the recommendations made by the USFA to respond to this problem.

A study by the International Association of Firefighters (IAFF) entitled "A Nation At Risk" also found that information provided to firefighters and emergency response personnel by federal and state agencies regarding hazardous substances and materials is, in many instances, incomplete and unreliable for use in emergency situations. The IAFF points to the Kansas City tragedy as an example of the great risk of harm to which firefighters and emergency personnel are subjected when working with insufficient information about how to combat emergencies involving hazardous materials.

Both USFA and the IAFF have recommended that a system be established to review the information and materials that are disseminated to emergency response personnel by federal and state agencies involving hazardous materials, to ensure that the information is accurate, clear, and reliable. H.R. 4522 was introduced, and is designed, for this purpose.

Legislative History

H.R. 4522 was introduced by Representative Jan Meyers on April 18, 1990. The bill is similar to a bill, H.R. 2813, introduced by Representative Meyers earlier in the Congress. H.R. 4522, however, includes two changes from H.R. 2813. The first change requires the report by the working group to be submitted to the House Committee on Science, Space, and Technology, and the Senate Committee on Commerce, Science, and Transportation. The second change is the addition of the short title "Firefighters' Safety Study Act." H.R. 4522 was passed by the House of Representatives on May 9, 1990, by a vote of 410–0.

The Consumer Subcommittee held a hearing on the bill on July 27, 1990. On July 31, 1990, in open executive session the bill was ordered reported by the Committee without objection.

Summary of Major Provisions

The bill provides for the formation of a working group of federal agencies, state and local governments, and private industries, to review the response information currently being provided to emergency personnel. The purpose of the review is to ensure that firefighters and emergency response personnel have accurate information about the probable hazards with which they must contend, and clear and reliable information on the proper response to those hazards. The working group, at a minimum, is to consist of the Environmental Protection Agency (EPA), the National Oceanic and Atmospheric Administration (NOAA), and the Department of Transportation (DOT), the Occupational Safety and Health Administration (OSHA), and the Bureau of Alcohol, Tobacco, and Firearms (BATF). The study group also is to include state and local officials with emergency response or relevant regulatory responsibilities and representatives of companies engaged in the manufacture and processing of chemicals.

The working group is required, within one year after the enactment of the bill, to submit to the Committee on Science, Space, and

Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the results of the study, along with recommendations to ensure that response information disseminated to emergency response personnel is appropriate for operational use. The working group is required to review the report at least once every 12 months, and at any other times as are necessary.

Estimated Costs

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office.

U.S. Congress,
Washington, DC, August 7, 1990.

Hon. Ernest F. Hollings,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed H.R. 4522, the Firefighters' Safety Study Act, as ordered reported by the Senate Committee on Commerce, Science, and Transportation, July 31, 1990. We expect that enactment of this legislation would result in additional costs to the federal government of about $500,000 in fiscal year 1991 and $100,000 each year thereafter, assuming appropriation of the necessary amounts.

H.R. 4522 would require the United States Fire Administration (USFA)—an arm of the Federal Emergency Management Agency—to review existing response information used by emergency response personnel at the state and local levels. The USFA would be required to establish a working group to report to the Congress, within one year of enactment of the bill, on the results of the review. In addition, the act would require the working group to meet at least once every year to review and recommend changes to the report.

CBO's estimate of costs is based on information provided by the USFA. These costs would be incurred to hire a contractor to collect information for the working group, pay for the travel of state and local officials, and cover technical and clerical support provided by the USFA.

No costs would be incurred by state or local governments as a result of enactment of this legislation.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Marjorie Miller, who can be reached at 226-2860.

Sincerely,

Robert D. Reischauer,
Director.

Regulatory Impact Statement

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

NUMBER OF PERSONS AFFECTED

This legislation requires the establishment of a working group, which must report to Congress on the results of its review. The legislation is not expected to subject any business or individuals to additional regulation.

ECONOMIC IMPACT

This legislation is not expected to have any significant economic impact on individuals or organizations.

PRIVACY

This legislation will have no adverse impact on the personal privacy of the individuals or organizations that are affected.

PAPERWORK

This legislation requires the USFA to convene a working group of federal and state officials and private companies to study the emergency response information provided to emergency response personnel. The working group is required to submit to Congress, within 1 year after the enactment of the bill, a report of its review and recommendations, and to meet at least once every 12 months to recommend changes or additions to the report. This report will require some, although not a significant amount of, additional paperwork.

SECTION-BY-SECTION ANALYSIS

SECTION 1.—SHORT TITLE

This section designates the short title of the bill as the "Firefighters' Safety Study Act."

SECTION 2.—REVIEW

This section requires the USFA Administrator (Administrator) to conduct a review of existing response information that is used by emergency response personnel, to determine the accuracy and consistency of the information and to determine whether it properly communicates to response personnel the potential risks from hazardous materials.

SECTION 3.—WORKING GROUP

This section requires the formation of a working group by the Administrator. The working group, at a minimum, will consist of program officials who gather, develop, and disseminate hazardous materials identification and response data in the following agencies: EPA, NOAA, DOT, OSHA, and the BATF. The study group also is to include State and local officials with emergency response or relevant regulatory responsibilities and representatives of companies engaged in the manufacture and processing of chemicals. The Administrator may include other individuals and organizations in the working group that the Administrator believes have relevant information or expertise.

SECTION 4.—REPORT AND RECOMMENDATIONS

This section requires the working group, within one year after enactment of the bill, to submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the results of the study, along with recommendations to ensure that response information disseminated to emergency response personnel is appropriate for operational use at the local level.

SECTION 5.—ANNUAL REVISION OF RECOMMENDATIONS

This section provides that the working group shall meet at least once every 12 months, and at any other times as needed, to review and update the report.

SECTION 6.—DEFINITION

This section defines "emergency response personnel" as personnel responsible for mitigation activities in a medical emergency, fire emergency, hazardous material emergency, or natural disaster.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.

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